

**IN THE UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:24-CV-00968**

JAMES S., and A.S.,

Plaintiffs,

vs.

MEDCOST BENEFIT SERVICES LLC,
CAROLINA BEHAVIORAL HEALTH
ALLIANCE, the CHARLOTTE
MECKLENBERG HOSPITAL AUTHORITY
d/b/a ATRIUM HEALTH, and the
LIVEWELL HEALTH PLAN

Defendants.

**PLAINTIFFS' BRIEF IN SUPPORT OF AMENDED MOTION TO PROCEED
ANONYMOUSLY**

Plaintiffs, through their undersigned counsel, respectfully submit this Brief in support of their Motion for Leave to Proceed Anonymously. Plaintiffs seek entry of an order permitting James S. to proceed with first name and last initial, and for A.S. to proceed under his initials.

RELEVANT BACKGROUND

As an adolescent, A.S. received transitional living mental health treatment at Dragonfly Transitions (“Dragonfly”), a facility that provided sub-acute mental health and substance use disorder treatments specifically to adolescents. *See* Complaint ¶ 1. A.S. was admitted to Dragonfly to address several issues, including “gender dysphoria, complications from in-utero drug and alcohol exposure, ADHD, theft, depression, anxiety, suicidal ideation, self-harming,

substance abuse, and borderline personality disorder.” *Id.* ¶ 13. The parties dispute whether this treatment was medically necessary.

ARGUMENT

A. Proceeding Under Pseudonyms

Plaintiffs James S. and A.S. filed this matter under pseudonyms because the contents of this litigation involve HIPAA protected information from when A.S. was a minor. While A.S. is an adult now, there is still reason to proceed under pseudonyms. The facts of A.S.’s mental health and substance use disorder conditions are at the core of this litigation because Defendants denied coverage for A.S.’s treatment on the grounds that it was not medically necessary. If dispositive motions are filed, A.S.’s medical records will have to be quoted directly to prove the medical necessity of A.S.’s treatment.¹ If James S. and A.S.’s full names are used, the parties will need to redact large portions of their dispositive motions to protect A.S.’s HIPAA rights. If James S. and A.S. stay anonymous, Plaintiffs expect to file their dispositive motion without any redaction necessary.

Additionally, due to the sensitive nature of the medical history, it is in A.S.’s best interest to stay anonymous during this litigation. A.S. is now an adult and the contents of their medical records could have an impact on her future if they were to become public.

CONCLUSION

For the foregoing reasons, Plaintiffs request the Court allow them to proceed anonymously.

DATED this 11th day of December, 2024

BRIAN S. KING, P.C.

BY: /s/ Brian s. King

¹ Presumably, Defendants will also quote A.S.’s medical records to attempt to prove she did not need treatment.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent to all parties registered to receive court notices via the Court's CM/ECF system.

DATED this 11th day of December, 2024

/s/ Brian S. King